

## **REMARKS**

In response to the Notice of Non-Compliant Amendment mailed from the United States Patent and Trademark Office on December 9, 2008, set forth above is a revised AMENDMENTS TO THE CLAIMS section of the Amendment D filed on July 31, 2008. More specifically, claims 9 and 10 are now listed with a status identifier of "Previously Presented." The claims presented in the AMENDMENTS TO THE CLAIMS section are the same as the claims presented in the Amendment D filed on July 31, 2008 except for the required change in the status identifier of claims 9 and 10. In view of this submission, applicant respectfully submits that the Amendment D filed on July 31, 2008, is now in compliance.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 18th day of December 2008.

Respectfully submitted,

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